

MAIL STOP ISSUE FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

E. Martinez-Force et al.

Attorney Docket No. ARNO118344

Application No.: 10/009,066

Group Art Unit: 1638

Filed:

May 16, 2002

Examiner: E. McElwain

Title:

HIGH OLEIC HIGH STEARIC PLANTS, SEEDS AND OILS

REQUEST FOR CORRECTION OF NOTICE OF ALLOWANCE

July 25, 2005

TO THE COMMISSIONER FOR PATENTS:

In reviewing the Notice of Allowance for the above-identified patent application, applicants' attorney noted that both the first-named inventor's family name and the title of the invention contain errors. Applicants' attorney therefore respectfully requests that the Notice of Allowance be revised to read as follows:

First Named Inventor: Enrique **Martinez**-Force

Title of Invention: HIGH OLEIC HIGH STEARIC PLANTS, SEEDS AND OILS

Enclosed is a copy of the Notice of Allowance with the changes marked in red, as well as copies of both the Declaration and the first page of International Publication No. WO 00/74470 A1 (upon which this application is based) as originally filed.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

Dennis K. Shelton

Registration No. 26,997

Direct Dial No. 206.695.1718

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

DKS:dlw

July 25, 2005

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

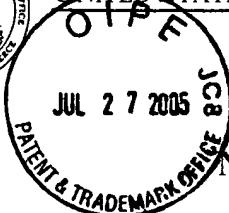


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NOTICE OF ALLOWANCE AND FEE(S) DUE

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05/02/2005

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS
PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

PROCESSED
DOCKETING
MAY 04 2005
CHRISTENSEN, O'CONNOR
JOHNSON & KINDNESS

EXAMINER	
MCELWAIN, ELIZABETH F	
ART UNIT	PAPER NUMBER

1638

DATE MAILED: 05/02/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,066	05/16/2002	Enrique Martinez-Force	ARNO118344	4299

TITLE OF INVENTION: HIGH OLEIC HIGH STEARIC PLANTS SEEDS AND OILS *Martinez*

DOCKETED

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	08/02/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

11/18



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Attorney Docket No. ARNO118344

COMBINED DECLARATION AND POWER OF ATTORNEY IN PATENT APPLICATION

As a below-named inventor, I hereby declare that:

my residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled HIGH OLEIC HIGH STEARIC PLANTS, SEEDS AND OILS, the specification of which was filed on June 5, 2000, as International Application No. PCT/EP00/05150 (now U.S. Application No. 10/009,066).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application No.	Country	Foreign Filing Date Month/Day/Year	Priority Claimed Yes/No
99204384.4	Europe	December 17, 1999	Yes

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Bruce E. O'Connor, Reg. No. 24,849; Lee E. Johnson, Reg. No. 22,946; Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827; James R. Uhler, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418; Dennis K. Shelton, Reg. No. 26,997; Jeffrey M. Sakoi, Reg. No. 32,059; Ward Brown, Reg. No. 28,400; Robert J. Carlson, Reg. No. 35,472; Rodney C. Tullett, Reg. No. 34,034; Daiva K. Tautvydas, Reg. No. 36,077; Mary L. Culic, Reg. No. 40,574; Julie C. VanDerZanden, Reg. No. 38,105; George E. Renzoni, Ph.D., Reg. No. 37,919; Philip P. Mann, Reg. No. 30,960; George S. Farber, Reg. No. 41,497; Kevan L. Morgan, Reg. No. 42,015; and John D. Denkenberger, Reg. No. 44,060; and the firm of Christensen O'Connor Johnson Kindnesssm, Address all telephone calls to Dennis K. Shelton at telephone No. 206.695.1718.

COPY

Address all correspondence to:

Customer No. 26389

CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}

1420 Fifth Avenue, Suite 2800

Seattle, WA 98101

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor
Enrique Martinez-Force

Citizenship
Spain

Residence
Sevilla, Spain

Mailing Address
Lamarque de Novoa 9, 3^aA, E-41008 Sevilla, Spain

Inventor's Signature

Date

May 7, 2002

SIGN
& DATE

Full Name of Inventor
Juan Munoz-Ruz

Citizenship
Spain

Residence
Cordoba, Spain

Mailing Address
Avenida Barcelona 18, 5^a-2, E-14010 Cordoba, Spain

Inventor's Signature

Date

May 7, 2002

SIGN
& DATE

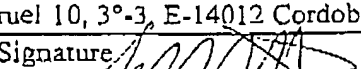
COPY

Full Name of Inventor
Jose Maria Fernandez-Martinez

Citizenship
Spain

Residence
Cordoba, Spain

Mailing Address
Calle Teruel 10, 3°-3, E-14012 Cordoba, Spain

Inventor's Signature  Date *May 7, 2002*

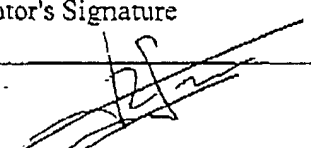
**SIGN
& DATE**

Full Name of Inventor
Rafael Garces

Citizenship
Spain

Residence
Valencia de la Concepcion, Spain

Mailing Address
Calle Dinamarca 9, E-41907 Valencia de la Concepcion, Spain

Inventor's Signature  Date *May 7, 2002*

**SIGN
& DATE**

DKS:cj

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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau(43) International Publication Date
14 December 2000 (14.12.2000)

PCT

(10) International Publication Number
WO 00/74470 A1

- (51) International Patent Classification⁷: A01H 5/10, A61K 7/00, A23D 7/00
- (21) International Application Number: PCT/EP00/05150
- (22) International Filing Date: 5 June 2000 (05.06.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
 09/326,501 4 June 1999 (04.06.1999) US
 99204384.4 17 December 1999 (17.12.1999) EP
 60/180,455 4 February 2000 (04.02.2000) US
- (71) Applicant (for all designated States except US): CONSEJO SUPERIOR DE INVESTIGACIONES CIENTÍFICAS [ES/ES]; Instituto de la Grasa, Avenida Padre García Tejero, 4, E-41012 Sevilla (ES).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): MARTINEZ-FORCE, Enrique [ES/ES]; Lamarque de Novoa, 9, 3^oA, E-41008 Sevilla (ES). MUÑOZ-RUZ, Juan [ES/ES]; Avenida Barcelona, 18, 5^o-2, E-14010 Córdoba (ES). FERNANDEZ-MARTINEZ, José, María [ES/ES]; Calle Teruel, 10, 3^o-3, E-14012 Córdoba (ES). GARCES, Rafael [ES/ES]; Calle Dinamarca, 9, E-41907 Valencia de la Concepción (Sevilla) (ES).
- (74) Agent: VAN SOMEREN, Petronella, Francisca, Hendrika, Maria; Arnold & Siedsma, Sweelinckplein 1, NL-2517 GK The Hague (NL).
- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
 — With international search report.
 — Before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments.
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: HIGH OLEIC HIGH STEARIC PLANTS, SEEDS AND OILS

(57) Abstract: The invention relates to plant seeds that contain an oil having an oleic acid content of more than 40 wt% and a stearic acid content of more than 12 wt% based on the total fatty acid content of said oil, and wherein a maximum of 10 wt% of the fatty acid groups in the sn-2 position of the TAG molecules constituting the oil are saturated fatty acid groups. The invention also relates to plants that can be grown from the seeds, oil that can be extracted from the seeds, and to methods for obtaining the seeds, plants and oil.

WO 00/74470 A1